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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,643	09/08/2003	Sheila Lynn Schlitter		2823

7590 09/28/2005
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Winnetka, IL 60093

EXAMINER

MAH, CHUCK Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,643

Applicant(s)

SCHLITTER, SHEILA LYNN

Examiner

Chuck Mah

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6, 8, 9, 11-13, 16, 17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6, 8, 9, 11-13, 16, 17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's request for reconsideration in view of FR 2677398 A3 is persuasive and, therefore, the finality of last action is withdrawn. New rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 6, 9, 11-13, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting (3,178,762) in view of Raheb et al. (5,581,844).

Whiting '762 discloses the invention as claimed but for the door stop being attached to the hinge by a magnetic member. Raheb et al. '844 teaches a removable door stop having a magnetic member to magnetically clamp the door stop to the metal plate of the hinge without having to use any hand tools. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door stop of '762 with a magnetic member as taught by '844 so that the door stop can be magnetically clamped to the hinge, without using other hand tools.

As to claims 9 and 11, it would have been an obvious matter of design choice to modify the transverse edges to contact the door and doorframe, since applicant

has not disclosed as such solves any stated problem or is for any unexpected purpose and it appears that the edges contacting the hinge plates, as taught by '762, would perform equally well for stopping the door. *In re Kuhle*, 188 USPQ 7.

4. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting '762 and Raheb et al. '844 as applied to claims above, and further in view of WO 02/095173A1.

Both '762 and '844 do not show a threaded member connected between the transverse edges. WO teaches a door stop having a threaded member between the transverse edges for adjusting the length of the door stop member to accommodate the desired opening angle between the door and the doorframe. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door stop of '762 and '844 with a threaded member between the transverse edges for adjusting the length of the stop member to accommodate the opening angle of the door relative to the doorframe.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting '762 in view of Raheb et al. '844 and WO '173.

Whiting '762 discloses the invention as claimed but for the door stop being attached to the hinge by a magnetic member. Raheb et al. '844 teaches a removable door stop having a magnetic member to magnetically clamped the

door stop to the metal plate of the hinge without having to use any hand tools. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door stop of '762 with a magnetic member as taught by '844 so that the door stop can be magnetically clamped to the hinge, without using other hand tools.

As to contacting relationship between the door/doorframe and the transverse edges, it would have been an obvious matter of design choice to modify the transverse edges to contact the door and doorframe, since applicant has not disclosed as such solves any stated problem or is for any unexpected purpose and it appears that the edges contacting the hinge plates, as taught by '762, would perform equally well for stopping the door. *In re Kuhle*, 188 USPQ 7.

As to the threaded member between the transverse edges, both '762 and '844 do not show a threaded member connected between the transverse edges. WO teaches a door stop having a threaded member between the transverse edges for adjusting the length of the door stop member to accommodate the desired opening angle between the door and the doorframe. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door stop of '762 and '844 with a threaded member between the transverse edges for adjusting the length of the stop member to accommodate the opening angle of the door relative to the doorframe.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3677

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